

**REGULAR CITY COUNCIL
REDEVELOPMENT AGENCY
PUBLIC FINANCING AUTHORITY MINUTES
CITY OF IMPERIAL BEACH
August 3, 2005
CLOSED SESSION – 5:30 P.M.
REGULAR MEETING – 6:00 P.M.
CITY COUNCIL CHAMBERS
825 Imperial Beach Boulevard
Imperial Beach, California**

CALL TO ORDER

MAYOR ROSE called the Closed Session Meeting to order at 5:35 p.m.

ROLL CALL

Councilmembers present:	McCoy, Winter, McLean
Councilmembers absent:	None
Mayor present:	Rose
Mayor Pro Tem present:	Janney

Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald
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CLOSED SESSION

MOTION BY ROSE, SECOND BY WINTER, TO ADJOURN TO CLOSED SESSION UNDER:

CITY ATTORNEY LOUGH announced that the law firm of McDougal, Love, Eckis, Smith, Boehmer and Foley had a potential conflict of interest on the Closed Session item as the firm has been the counsel for the construction company under discussion for the past 18 years; he announced that Helen Peak of Lounsbery, Ferguson, Altona and Peak would be advising Council on the Closed Session item.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Pursuant to
Government Code Section 54956.9(b)(1)
Number of Potential Cases: 1

MOTION CARRIED UNANIMOUSLY.

MAYOR ROSE adjourned the meeting to Closed Session at 5:37 p.m. and she reconvened the meeting to Open Session at 6:10 p.m. Reporting out of Closed Session, MAYOR ROSE announced Council met earlier in Closed Session, received information, gave direction and had nothing to report at this time.

ROLL CALL

Councilmembers present:	McCoy, Winter, McLean
Councilmembers absent:	None
Mayor present:	Rose
Mayor Pro Tem present:	Janney
Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald

PLEDGE OF ALLEGIANCE/INVOCATION

MAYOR ROSE led everyone in the Pledge of Allegiance and asked everyone to bow his or her head for a moment of silence.

AGENDA CHANGES

None.

MAYOR/COUNCIL ANNOUNCEMENTS

COUNCILMEMBER WINTER reported on the Chamber of Commerce Installation dinner, and she announced the International Boundary Water Commission will be holding a meeting on Monday, August 15th on the status of the Final Supplemental Environmental Impact Statement (SEIS) on the border sewage issue and, on the 19th, Assemblywoman Soldaña will be holding a meeting on the same subject.

COUNCILMEMBER MCLEAN congratulated the I.B. Little League All Stars who will be facing the Rancho Buena Vista All Stars at the State Division 3 tournament.

MAYOR ROSE spoke about the IB Little League who is currently playing the State Championships in Corona, she announced that there will be a 50th Anniversary calendar, as well a merchandise line with the 50th Anniversary logo.

COMMUNICATIONS FROM CITY STAFF

CITY MANAGER BROWN announced that a meeting will be held on August 30th at 6:00 p.m. to discuss the plans for the hotel.

MAYOR ROSE announced there would be a presentation by the architects, a discussion of the design and measurement of grade, and stated this would be an opportunity for the public to get more information on the architecture of the hotel.

PUBLIC COMMENT

MARY RAHIMPOUR stated that she filed a complaint with the City two and a half months ago regarding the selling of liquor at the 13th Street Market; she questioned if the market were in compliance with the City's codes, she also expressed concern about fair enforcement of ordinances (additional speaking time donated by ROGER RAHIMPOUR).

MAYOR ROSE referred her concerns to the City Manager and requested that follow-up information be provided to the City Council.

PRESENTATIONS/PROCLAMATIONS (1.1-1.3)

1.1 PRESENTATION OF PROCLAMATION TO SHERIFF'S DEPUTY KEITH BOYD. (0410-30)

CITY MANAGER BROWN introduced the item.

MAYOR ROSE announced Sheriff's Deputy Keith Boyd suffered an injury in the line of duty and because of that had to leave the Sheriff's Department; she expressed her appreciation to him for his dedicated service to the community and presented him with a Proclamation.

SHERIFF'S CAPTAIN PARKER presented Sheriff's Deputy Keith Boyd with a plaque for his dedicated service to the Sheriff's Department.

SHERIFF'S DEPUTY KEITH BOYD thanked everyone for helping him get through a difficult time.

1.2 PRESENTATION OF PROCLAMATION TO BOYS AND GIRLS CLUB IN RECOGNITION OF "NATIONAL KIDSDAY." (0410-30)

CITY MANAGER BROWN introduced the item.

MAYOR ROSE spoke of the important role that the Boys and Girls Club plays for the children of Imperial Beach and she presented a proclamation to Ken Blinsman in recognition of "National Kidsday."

KEN BLINSMAN thanked the Mayor and City Council for the Proclamation and invited everyone to a celebration at Las Americas Outlet Center on August 7th from 12:00 p.m. to 3:00 p.m.

1.3 SAN DIEGO COASTAL OCEAN OBSERVING SYSTEM PROJECT - PRESENTATION BY ERIC TERRILL, SCRIPPS INSTITUTION OF OCEANOGRAPHY. (0830-90)

CITY MANAGER BROWN introduced the item.

ERIC TERRILL gave a PowerPoint presentation on the San Diego Coastal Ocean Observing System Project.

COUNCILMEMBER WINTER expressed appreciation to Dr. Terrill for his hard work and dedication on the project and she spoke about the appeal of the project to a wide range of people, linking science with the general public.

MAYOR ROSE recognized Councilmember Winter and her efforts that helped the City obtain a \$750,000 grant to get the project started.

BOB WADHAM questioned if the Point Loma outfall is being looked at through the project.

CONSENT CALENDAR (2.1 - 2.13)

MAYOR PRO TEM JANNEY announced he had a potential conflict of interest on Item No. 2.3 as he owns property within 500 feet of the project.

COUNCILMEMBER MCLEAN announced he had a potential conflict of interest on Item No. 2.12 as he lives within 500 feet of the project.

MAYOR ROSE requested Item No. 2.5 be pulled for discussion at the end of the meeting.

MOTION BY ROSE, SECOND BY JANNEY, TO PULL ITEM NO. 2.5 – COMMUNITY GRANTS PROGRAM 2005-2006 FOR DISCUSSION AT THE END OF THE MEETING. MOTION CARRIED UNANIMOUSLY.

MOTION BY ROSE, SECOND BY MCCOY, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1, 2.2, 2.4, 2.6 THRU 2.11 AND 2.13. MOTION CARRIED UNANIMOUSLY.

IN REGARD TO ITEM NO. 2.3 – MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, WINTER, MCLEAN, ROSE
NOES:	COUNCILMEMBERS:	NONE
DISQUALIFIED	COUNCILMEMBERS:	JANNEY (DUE TO A POTENTIAL CONFLICT OF INTEREST)

IN REGARD TO ITEM NO. 2.12 – MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, WINTER, JANNEY ROSE
NOES:	COUNCILMEMBERS:	NONE
DISQUALIFIED	COUNCILMEMBERS:	MCLEAN (DUE TO A POTENTIAL CONFLICT OF INTEREST)

2.1 MINUTES.

Approved the minutes of the Regular Meeting of July 6, 2005 and Continued Regular Meeting of July 20, 2005.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified Accounts Payable Numbers 59790 through 59840 for the period ending 07/21/05 and Payroll Register Numbers 35766 through 35843 for the period ending 07/07/05 in the amount of \$284,451.76.

2.3 PARCEL MAP (PM 04-14) FOR TWO RESIDENTIAL CONDOMINIUM UNITS AT 135-137 ELM AVE., IN THE R-2000 (MEDIUM DENSITY RESIDENTIAL) ZONE. OWNER/APPLICANT: MARGARET AND FRANK BROWN. MF 678. (0600-20)

Approved the Final Map (TM 04-14) and made findings as listed in the staff report.

- 2.4 1448 HOLLY AVE. CONDOMINIUMS; FINAL MAP (TM 04-18) FOR EIGHT NEW CONDOMINIUM UNITS AT 1448 HOLLY AVE., IN THE R-2000 (MEDIUM DENSITY RESIDENTIAL) ZONE. OWNER/APPLICANT: HOLLY VILLAS OF IB, LLC/STU WILSON. MF 680. (0600-20)**
Approved the Final Map (TM 04-18) and made findings as listed in the staff report.
- 2.6 A COVENANT OF PARTNERSHIP TO END CHRONIC HOMELESSNESS. (0240-10)**
Authorized the Mayor to sign the Covenant of Partnership to End Chronic Homelessness.
- 2.7 AUTHORIZATION TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH LSW ENGINEERS CALIFORNIA, INC. FOR EMERGENCY OPERATIONS CENTER CONSULTING SERVICES (CIP F05-201, F05-202 & F05-203). (0210-20)**
1. Received report; and
2. Adopted Resolution No. 2005-6196 authorizing the City Manager to enter into a professional services agreement for analysis and construction design work with LSW Engineers California, Inc. for "New Emergency Operations Center & Miscellaneous Improvements to Mechanical, Heating, Ventilating and Electrical systems" at a cost not to exceed \$35,000 (\$32,500 bid quote plus incidental expenses such as printing, copying, etc.).
- 2.8 RESOLUTION NO. 2005-6198 AUTHORIZING A CHANGE ORDER TO PAT PERINICH & ASSOCIATES CONTRACT NOT TO EXCEED \$15,000 TO ADD THE RESIDENTIAL CITYWIDE LIGHTING IMPROVEMENT PROJECT – CIP S04-402. (0465-10)**
Adopted Resolution No. 2005-6198.
- 2.9 RESOLUTION NO. 2005-6197 AUTHORIZING AN AGREEMENT WITH PBS&J TO PROVIDE TEMPORARY ENVIRONMENTAL SERVICES. (0620-20)**
Adopted Resolution No. 2005-6197.
- 2.10 RESOLUTION NO. 2005-6195 AUTHORIZING THE EXECUTION OF THE CAL-ID USER AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND THE CITY OF IMPERIAL BEACH FOR PARTICIPATION IN SAN DIEGO COUNTY'S CALIFORNIA IDENTIFICATION SYSTEM / REMOTE ACCESS NETWORK. (0260-25)**
Adopted Resolution No. 2005-6195.
- 2.11 RESOLUTION 2005-6194 APPROVING AN AGREEMENT WITH SOUTHWESTERN COMMUNITY COLLEGE DISTRICT FOR THE FIRE SCIENCE RIDE-ALONG WORK EXPERIENCE PROGRAM FOR FISCAL YEAR 2005/2006. (0250-10)**
Adopted Resolution No. 2005-6194.
- 2.12 RESOLUTION NO. 2005-6200: PROJECT DESIGN CONSULTANTS/CAMILLE PASSON (APPLICANT)/SPRINT TELEPHONY PCS (OWNER) TIME EXTENSION REQUEST FOR CONDITIONAL USE PERMIT (CUP 03-84) AND REGULAR COASTAL DEVELOPMENT PERMIT (CP 03-83) TO INSTALL A TELECOMMUNICATIONS ANTENNA CONCEALED IN A RADOME ON TOP OF A STREET LIGHT LOCATED AT 1412-A SEACOAST DRIVE IN THE R-1500 (HIGH DENSITY RESIDENTIAL) ZONE. MF 657. (0620-20)**
Adopted Resolution No. 2005-6200, approving the time extension for Conditional Use Permit (CUP 03-84) and Regular Coastal Permit (CP 03-83), which makes the necessary findings and provides conditions of approval in compliance with local and state requirements.

2.13 APPROVAL OF AGREEMENT WITH SOUTHWESTERN COLLEGE - INTERNSHIP PROGRAM. (0560-30)

Adopted Resolution No. 2005-6201 approving an agreement with Southwestern College for participation in their Internship Program for Fiscal Year 2005/06.

ORDINANCES - INTRODUCTION/FIRST READING (3)

None.

ORDINANCES - SECOND READING & ADOPTION (4.1)

4.1 AN ORDINANCE AMENDING CHAPTER 4.28 (MASSAGE ESTABLISHMENTS AND TECHNICIANS) OF THE IMPERIAL BEACH MUNICIPAL CODE. (0390-40)

CITY MANAGER BROWN introduced the item.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR ROSE called for the reading of Ordinance No. 2005-1031.

CITY CLERK HALD read the title of Ordinance No. 2005-1031, an Ordinance of the City Council of the City of Imperial Beach, California, amending Title 4 (Business Taxes, Licenses and Regulations) Chapter 4.28 (Massage Establishments and Technicians) of the Imperial Beach Municipal Code.

MOTION BY ROSE, SECOND BY MCLEAN, TO DISPENSE SECOND READING AND ADOPT ORDINANCE NO. 2005-1031 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.

WRITTEN COMMUNICATIONS (5)

None.

PUBLIC HEARINGS (6)

None.

REPORTS (7.1 - 7.4)

7.1 DECISION REGARDING THE VETERANS PARK MASTER PLAN PROJECT CONSTRUCTION ELEMENTS FOR YEAR 2 OF THE 5-YEAR CAPITAL IMPROVEMENT PROGRAM. (0920-70)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item and he recommended that City Council settle on the Base Project Elements 1 a thru g and Additive Project Elements 2 a thru i; he suggested that Additives 2 j thru l not be part of the package at this time.

COUNCILMEMBER WINTER commented that City Council has been working on the item since 2002 and she expressed a desire to have a complete project in the end, rather than a project done in piece meal.

MAYOR PRO TEM JANNEY recommended that the project be done to completion and have the study look at the façade for the Marina Vista Center and the Senior Center.

CAROL KINNEY spoke in support of the plan; she questioned how close the trees would be to her property.

PUBLIC WORKS DIRECTOR LEVIEN stated that all new trees would be planted so that the mature canopies would not overhang beyond the fence of adjacent properties; the new trees would be planted approximately 15 to 18 feet from the fence.

MS. KINNEY expressed concern about public safety and requested that trees proposed for planting behind her property be planted elsewhere.

STEVE KINNEY requested that no new trees be planted behind his property.

SARAH CAMPBELL expressed concern the sidewalk entrance to the Boys and Girls Club, which appears on the additive list and requested further discussion take place before adoption.

MAYOR ROSE stated that Ms. Campbell could meet with Mr. Levien about the plans, and she recommended that the whole project move forward.

COUNCILMEMBER MCCOY concurred with comments of Mayor Rose and Mayor Pro Tem Janney.

Discussion ensued regarding the contents of the bid package.

CITY MANAGER BROWN stated that staff would have the discretion as to the basic package components and additive elements, and all would be sent out as one bid document.

Discussion ensued regarding the location of new tree plantings behind the Kinney property.

Concurrence of City Council to plant trees at least 16 to 17 feet from the Kinney property.

COUNCILMEMBER JANNEY desired the park maintain its park-like appearance and that the trees obscure the wall; he requested staff ensure that the trees are planted approximately 18 feet from the wall.

CITY ATTORNEY LOUGH suggested the following motion:

1. City Council receive report;
2. Approve the "Base Elements" as listed in the Discussion Section of the staff report for inclusion in Veterans Park Master Plan construction drawings for Year 2 of the 5-year CIP;
3. The additional project elements shall be included in the bid package in a manner determined by staff; and
4. The City Council approve the tree planning concept as presented in Attachments 1 and 2 of the staff report with the two closest trees located next to the Kinney property shall be moved another three feet away from the property line.

MOTION BY WINTER, SECOND BY MCCOY, TO:

- 1. CITY COUNCIL RECEIVE REPORT;**
- 2. APPROVE THE "BASE ELEMENTS" AS LISTED IN THE DISCUSSION SECTION OF THE STAFF REPORT FOR INCLUSION IN VETERANS PARK MASTER PLAN CONSTRUCTION DRAWINGS FOR YEAR 2 OF THE 5-YEAR CIP;**
- 3. THE ADDITIONAL PROJECT ELEMENTS SHALL BE INCLUDED IN THE BID PACKAGE IN A MANNER DETERMINED BY STAFF; AND**
- 4. THE CITY COUNCIL APPROVE THE TREE PLANNING CONCEPT AS PRESENTED IN ATTACHMENTS 1 AND 2 OF THE STAFF REPORT WITH THE TWO CLOSEST TREES LOCATED NEXT TO THE KINNEY PROPERTY SHALL BE MOVED ANOTHER THREE FEET AWAY FROM THE PROPERTY LINE.**

MOTION CARRIED UNANIMOUSLY.

7.2 REPLACEMENT OF THE SKATE PARK AND DIRECTION ON THE TYPE OF FACILITY, FUNDING SOURCES, AND EXPENDITURE LIMITS THAT SHOULD BE CONSIDERED. (0920-40)

CITY MANAGER BROWN introduced the item and stated that the City currently does not have a skate park as the previous skate park fell under disrepair.

ASSISTANT CITY MANAGER RITTER reported on the history of the skate park, after extensive indoor use, three years of outdoor use and the recent rains, it was determined that the skate park was no longer serviceable and was therefore removed. He reviewed the various skate element options to replace the skate park. He requested Council's guidance as to whether to pursue replacement of the skate park and he requested direction on what particular type of park to consider.

MAYOR ROSE announced that Supervisor Greg Cox has pledged \$50,000 to the project and there is an additional \$15,000 from the Lords of Dogtown production filmed in the City; she also reported that Tony Alva (of the original Lords of Dogtown) will allow us to use his name and his involvement with fundraising, he is also interested in being an advisor on the building and design of the skate park; she noted Mr. Alva's involvement may lead to major sponsorships.

ASSISTANT CITY MANAGER RITTER clarified that the \$15,000 from Lords of Dogtown was committed to the Sports Park Master Plan.

Council discussion ensued regarding overall upgrades to the park and treating the project as a whole, as done with Veterans Park, as opposed to individual projects.

CITY MANAGER BROWN stated that staff is currently working on several projects and requested Council's forbearance and time to plan for the park.

COUNCILMEMBER MCCOY expressed concern about the constraints put on staff and their workload; she expressed a desire for more discussion and she was not prepared to make a decision tonight; she also stated she was not interested in a temporary fix.

MICHAEL CAREY supported efforts to replace the ramps; he stated the funding from the County is a great opportunity and requested that Council give direction to move forward with the planning.

BOB WADHAM questioned the actual usage of the skate park; he suggested looking at small skate elements throughout the City.

MAYOR ROSE was interested in receiving more information on smaller elements throughout the City; she stated that YMCA Camp Surf is interested in partnering with the City for a joint use of a skate park; however, access would be limited to the public and based on the operating hours of Camp Surf; she stated there is a timeliness to this with the money from Supervisor Cox and the Lords of Dogtown; she spoke of the need for a presentation from staff on the overall improvements of the park, the status of the Master Plan, what has been accomplished, and the need to concurrently determine what it would take to get a bowl or other skate element.

Discussion ensued regarding the community's desire for a skate park, as it is presently underutilized.

SKATE PARK PROGRAM COORDINATOR COATES requested that Council include the children in discussions to ensure that what is built meets the children's desires.

MAYOR ROSE recommended that staff come back with an overview of the park, showing the City's current status and future goals, and she would like staff to provide an overview of the current programming; she also recommended that a subcommittee be created to work with staff and come back with recommendations to Council.

COUNCILMEMBER WINTER suggested that an ad hoc committee be created after the overview is presented to Council.

MAYOR ROSE recommended that the item come back to Council with a basic overview of the physical elements and the planned recreation programs, and the ad hoc committee include her and Councilmember McLean; she also suggested that the item be brought back in October.

Consensus of Council to form a Sports Park ad hoc committee consisting of Mayor Rose and Councilmember McLean.

7.3 RESOLUTION NO. 2005-6190 ADOPTING REVISED ADMINISTRATIVE POLICY B-8; UTILITY UNDERGROUNDING COMMISSION CASE 8209 POLICY. (0810-95)

CITY MANAGER BROWN introduced the item.

MOTION BY JANNEY, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. 2005-6190 APPROVING THE NEW B-8 POLICY. MOTION CARRIED UNANIMOUSLY.

MAYOR ROSE called a recess at 9:40 p.m. and reconvened the meeting to Open Session at 9:55 p.m.

ROLL CALL

Councilmembers present:	McCoy, Winter, McLean
Councilmembers absent:	None
Mayor present:	Rose
Mayor Pro Tem present:	Janney

Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald
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7.4 SEWAGE ISSUE STRATEGY/SECONDARY TREATMENT STATUS. (0620-75)

CITY MANAGER BROWN stated that the Final Supplemental Environmental Impact Statement (SEIS) Executive Summary, cover letter from Arturo Duran, Commissioner for the United States International Boundary and Water Commission (IBWC), the Mayor's letter and the responses to the Mayor's letter were submitted as last minute agenda information.

COUNCILMEMBER WINTER expressed concern about the permitting process and discussions regarding who will hold the permit are ongoing; she noted that the City has consistently been on record that this is not a comprehensive plan.

City Council discussion ensued regarding the sewage issue in Tijuana.

MAYOR ROSE recommended that, since the comment period ends prior to the next Council meeting, the City Council subcommittee write a letter on the final comments and bring it back for ratification at a later date.

Consensus of City Council to give the City Council subcommittee authority to move ahead with the letter.

COUNCILMEMBER WINTER announced that the IBWC would be at the next Metropolitan Wastewater Commission/JPA meeting on August 4th.

7.5 DESIGNATION OF VOTING DELEGATE FOR 2005 ANNUAL CONFERENCE. (0140-10)

CITY MANAGER BROWN introduced the item.

MAYOR ROSE nominated Councilmember Winter as the voting delegate and Councilmember McLean as the alternate.

MOTION BY ROSE, SECOND BY MCCOY, TO DESIGNATE COUNCILMEMBER WINTER AS THE VOTING DELEGATE AND COUNCILMEMBER MCLEAN AS THE VOTING ALTERNATE FOR THE 2005 LEAGUE ANNUAL CONFERENCE. MOTION CARRIED UNANIMOUSLY.

2.5 COMMUNITY GRANTS PROGRAM 2005-2006. (0330-15)

MAYOR ROSE commented that there was discussion last year of changing the criteria for the program, she recommended giving a higher ranking to new applicants to stimulate more interest from other groups.

Council discussion ensued.

BOB WADHAM reminded Council that last year's deadline was extended, as there weren't enough applicants.

MAYOR ROSE withdrew her request to amend the guidelines.

MOTION BY ROSE, SECOND BY MCLEAN, TO APPROVE THE PROGRAM APPLICATION GUIDELINES FOR FY 2005-2006, MEMORIALIZE THE KEY DATES OF JULY 17, 2005, AUGUST 3, 2005, AUGUST 4, 2005, SEPTEMBER 15, SEPTEMBER 16-28, 2005, OCTOBER 5, 2005, JULY 17, 2006, AUGUST 2, 2006, AUGUST 7, 2006, SEPTEMBER 6, 2006, SEPTEMBER 7-13, 2006, SEPTEMBER 20, 2006, AND SEPTEMBER 21, 2006 AND AUTHORIZE SOLICITATION FOR APPLICATIONS. MOTION CARRIED UNANIMOUSLY.

REPORTS OF MAYOR AND COUNCILMEMBERS

None.

The meeting adjourned at 10:27 p.m.

Diane Rose, Mayor

Attest:
Jacqueline M. Hald, CMC
City Clerk